

AN ACT

To repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to a state employee's leave of absence to perform military duties, with a penalty provision.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Section 105.270, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.270, to read as follows:

105.270. 1. All officers and employees of this state, or of any department or agency thereof, or of any county, municipality, school district, or other political subdivision, and all other public employees of this state who are or may become members of the national guard or of any reserve component of the armed forces of the United States, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, for all periods of military services during which they are engaged in the performance of duty or training in the service of this state at the call of the governor and as ordered by the adjutant general without regard to length of time, and for all periods of military services during which they are engaged in the performance of duty in the service of the United States under

competent orders for a period not to exceed a total of one hundred twenty hours in any federal fiscal year; provided that any such employee engaged in the performance of duty in the service of the United States under competent orders for more than fifteen calendar days shall receive the difference between the employee's regular gross monthly wage or salary and the sum of the employee's gross pay as a member of the national guard or any reserve component of the armed forces of the United States and allowances received that month. No employee shall receive payments pursuant to this section if the sum of the employee's monthly gross pay and allowances as a member of the national guard or any reserve component of the armed forces of the United States exceeds the employee's regular gross monthly wage or salary.

2. Before any payment of salary is made covering the period of the leave the officer or the employee shall file with the appointing authority or supervising agency an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted which order shall contain the certification of the officer or employee's commanding officer of performance of duty in accordance with the terms of such order.

3. No member of the organized militia shall be discharged from employment by any of the aforementioned agencies because of being a member of the organized militia, nor shall [he] such member be hindered or prevented from performing any militia

service [he] such member may be called upon to perform by proper authority nor otherwise be discriminated against or dissuaded from enlisting or continuing [his service] to serve in the militia by threat or injury [to him] in respect to [his] the member's employment. Any officer or agent of the aforementioned agencies violating any of the provisions of this section is guilty of a misdemeanor.

4. Notwithstanding the provisions of any other administrative rule or law to the contrary, any person entitled to military leave pursuant to the provisions of subsection 1 of this section shall only be charged military leave for any hours which that person would otherwise have been required to work had it not been for such military leave. The minimum charge for military leave shall be one hour and additional charges for military leave shall be in multiples of the minimum charge.